

07-12-06

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1742
PATENT ✓



Practitioner's Docket No. 3780.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dennis Klein et al.

Application No.: 10/760,336

Group No.: 1742

Filed: 01/20/2004

Examiner: H. D. Wilkins, III

For: APPARATUS AND METHOD FOR THE CONVERSION OF WATER INTO A NEW GASEOUS AND COMBUSTIBLE FORM AND THE COMBUSTIBLE GAS FORMED THEREBY

M/S: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: ED 801591924 US

Date of Deposit: July 11, 2006

I hereby state that the following *attached* paper or fee

Amendment Transmittal

Copy of notice of non-compliant amendment mailed May 26, 2006

Correct Second Submission of Resubmitted Corrected Section In Response to Notice of Non-Compliant Amendment

Post card

Express Mail Certificate

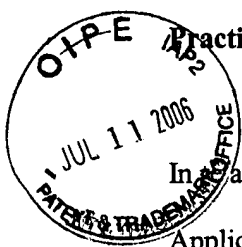
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dennis G. LaPointe

Signature of person mailing paper or fee

07/13/2006 SSESHE1 00000064 503368 10760336

01 FC:2251 60.00 DA



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PATENT

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CORRECT SECOND SUBMISSION OF RESUBMITTED CORRECTED SECTION IN
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT --TRANSMITTAL

1. Transmitted herewith is a supplemental submission correcting the previously filed resubmitted corrected section in response to the notice of non-compliant amendment mailed May 26, 2006, for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.


37 C.F.R. § 1.10*

X as "Express Mail Post Office to Addressee"

Mailing Label No. ED 801592496 US (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____


Signature

Date: 7/11/06

Dennis G. LaPointe

(type or print name of person certifying)

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)		SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE		ADDIT. FEE	
TOTAL	15	MINUS	50	= 0	x \$	25.00	= \$	0.00	
INDEP	2	MINUS	5	= 0	x \$	100.00	= \$	0	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ \$	0.00	= \$	0.00	
TOTAL								\$	0.00
ADDIT. FEE									

No additional fee for claims is required.

EXTENSION OF TIME

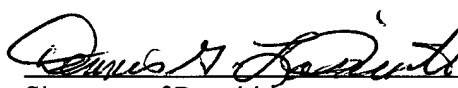
5. An extension of time of one month is herein petitioned under 37 CFR 1.136. A fee of \$60.00 is authorized to be taken from deposit account 503368.

FEE DEFICIENCY

6. If any additional extension and/or fee is required, charge Account No. 503365.

Date: 7/11/06

Reg. No.: 40,693
Tel. No.: 727-943-9300
Customer No.: 24040



Signature of Practitioner
DENNIS G. LAPOINTE
LAPOINTE LAW GROUP, PL
P.O. BOX 1294
TARPON SPRINGS, FL 34688



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,336	01/20/2004	Dennis J. Klein	3780.002	9814

24040 7590 05/26/2006

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LAPOINTE LAW GROUP, PL
PO BOX 1294
TARPON SPRINGS, FL 34688-1294



EXAMINER

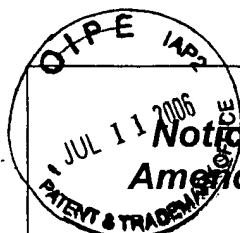
WILKINS III, HARRY D

ART UNIT PAPER NUMBER

1742

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.	Applicant(s)	
10/760,336	KLEIN ET AL.	
Examiner	Art Unit	
Harry D. Wilkins, III	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12 May 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.


Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

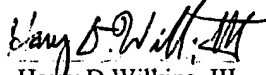
Telephone No.

Continuation of 4(e) Other: All claims except 21-28 were previously cancelled. Claim numbers of previously cancelled claims cannot be reused. If Applicant wishes to re-present the cancelled claims, they are required to be added as new claims being numbered starting at claim number 52 (the lowest number not previously used). See 37 CFR 1.121(c)(5). 

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry D Wilkins, III whose telephone number is 571-272-1251. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Harry D Wilkins, III
Primary Examiner
Art Unit 1742

hdw